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11 IN THE UNITED STATES DISTRICT COURT

12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 SAN FRANCISCO DIVISION

14

15 **BILAL ADOM,** Plaintiff, 4:22-cv-07150-JSW

16 v. 17

18 **CDCR, et al. ,** Defendants. 19

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21

22 I, Eric Miersma, declare as follows:

23 1. I am a Deputy Attorney General in the California Attorney General's Office and

24 counsel for Defendants R. Mojica, S. Sawyer, M. Lotersztain, M.D., F. Montegrande, M.D.,

25 California Department of Corrections and Rehabilitation, and M. Atchley in this matter. I am

26 competent to testify to the matters set forth in this declaration and, if called upon by this Court,

27 would do so. I submit this declaration in support of Defendants' Reply to Plaintiff's Opposition to

28 Defendants' Motion for Summary Judgment.

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4:22-cv-07150-JSW

DECLARATION OF ERIC MIERSMA IN SUPPORT OF DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT

Judge: The Honorable Jeffrey S. White
Trial Date: None Set
Action Filed: November 15, 2022

1 2. True and correct excerpts from Plaintiff's deposition transcript, taken on June 14,
2 2023, page 29, line 12 to page 30, line 22, are attached hereto as Exhibit A.

I declare under penalty of perjury that I have read this document, and its contents are true
and correct to the best of my knowledge.

5 Executed on this 20th day of February in the year 2024 in San Diego, California.

/s/ Eric Miersma

ERIC MIERSSMA

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Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BILAL ADOM,)
)
)
Plaintiff,)
)
vs.)
)
)
CDCR, et al.,) Case No.
)
 4 : 22 - cv - 07150 - JSW
Defendants.)
)

VIDEOCONFERENCE DEPOSITION OF BILAL ADOM

June 14, 2023

10:05 a.m.

Soledad, California

Robin C. Hice, CSR No. 13203 (Remote)

1 questions. I just go in there. And that's what I
2 recall her just starting out with that. She didn't say
3 what her reasons were for why she was doing it. When I
4 came in there, this is how the conversation started.
5 Just that was the first thing she started talking about
6 was --

7 Q. Okay.

8 A. Was that. It was...

9 Q. And did she explain to you any rationale
10 behind why she wanted to perform that particular test?

11 A. No. No.

12 Q. And did you consent to her performing that
13 exam?

14 A. I -- she said that's what she was going to do
15 I -- okay. This is what I want to do, and, you know,
16 that's when I -- I don't know if it was before she told
17 me, you know, I'd like to, you know, do an exam, or if
18 it was after that I said to her, well, I just recently
19 had a blood test for prostate and it came back the tests
20 were -- there were no abnormalities with respect to
21 that. And that's when she told me -- I can't recall
22 whether or not I made that statement to her prior or if
23 she discussed or mentioned or said to me that this is
24 what she wanted to do, if it was before we talked about
25 the blood test or if it was after. I can't recall.

1 Q. Understood. In any event, you agreed to go
2 ahead with that procedure?

3 A. I just, you know, I don't question doctors.
4 If that's what she is going to do, okay. If that's what
5 you want to do, I mean, saying this to myself. I didn't
6 say it to her, but I don't question, you know, doctors.
7 I let them do what they do.

8 Q. Right. You are familiar with the whole
9 concept of informed consent, right?

10 A. I am.

11 Q. You talked about that a little earlier with
12 respect to the second back surgery, right?

13 A. I am. Yes, I do recall.

14 Q. So you have refused medical procedures in the
15 past, right?

16 A. Procedures, I have. Yeah.

17 Q. So in this case, you didn't refuse to go ahead
18 with the procedure, but you agreed to go forward?

19 A. I didn't refuse and it was just a nonverbal
20 consent, you know. I guess you can say I did agree.
21 Nonverbally I agreed to the consent. I didn't refuse.
22 And I didn't tell her no, you can't do this so...

23 Q. Did you discuss any issues with urinary
24 incontinence?

25 A. I did. I did.